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10/566,709

02/01/2006

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EXAMINER

LIU, HARRY K

ART UNIT

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3662

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11/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/566,709

Applicant(s)

MONNERAT ET AL.

Examiner

Harry Liu

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 15-18, 40-43, 46 and 47 is/are rejected.
- 7) ☒ Claim(s) 5-14, 19-38, 40, 41, 44, 45, 48 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/1/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of group I in filed 10/566709 is acknowledged.

Claim **39** is withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention.

Election was made without traverse filed on 10/9/2007. Claims (1-38, 40-49) are pending and an action on the merits is as follows.

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in (France) on (10/22/2004). It is noted, however, that applicant has not filed a certified copy of the (Japanese) application as required by 35 U.S.C. 119(b). In order to fully meet the requirements of 119(b) a translation of the foreign priority document is required.  
MPEP 2304.01(c)

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign application must be submitted in reply to this action, 37 CFR 41.154(b) and 41.202(e). Failure to provide a certified translation may result in no benefit being accorded for the non-English application.

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because FIG. 3 is too small to use as reference. Applicant is advised to

employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 5-14, 19-38, 40-41, 44-45, 48-49 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims 5-14, 19-41, 44-45, 48-49 not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Regarding claims 40-41, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

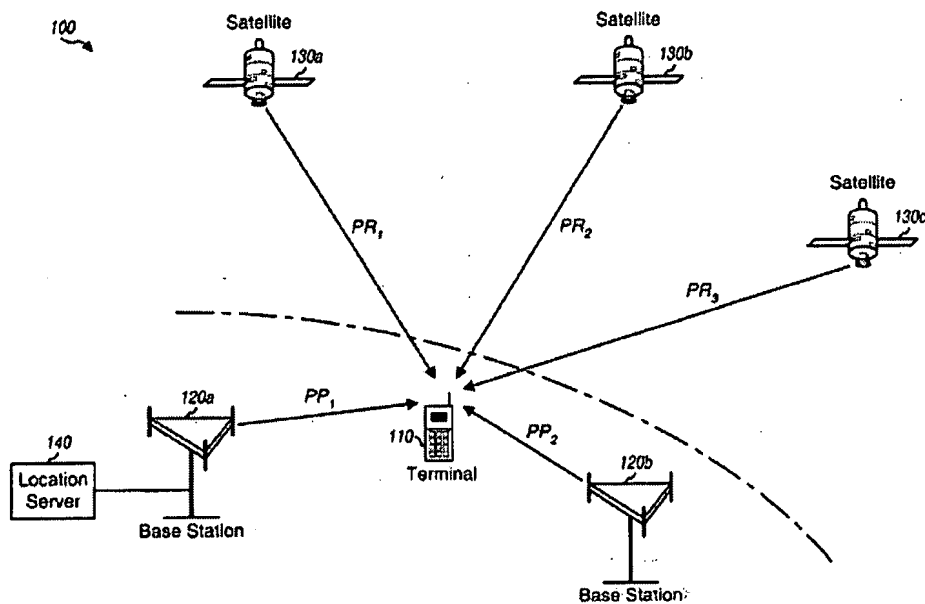
### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-4, 15-18, 42-43, 46-47 are rejected under 35 U.S.C. 102(a) as being anticipated by Sheynblat (2005/0192024).

Regarding claims 1, 15, Sheynblat discloses a system and method of determining the position of a mobile terminal by use of satellite and **assistance** server (location server, article 140 in FIG. 1 below). A satellite positioning system uses pseudo-random codes (PN) by **correlating** received PN and **replica** signal stored in terminal for acquiring satellite signal. Assistance data is transmitted to terminal to help **estimating** position, estimated distances ( $PR_1$ ,  $PR_2$ , and  $PR_3$ ) and **inherently** provides Doppler effects information. Maximum correlation is selected in order to determine PN codes and demodulate the received signal.



Regarding claims 2, 16, Sheynblat discloses assistance server (location server) is connected to said terminal via cellular communication network through BTS (base station) (see FIG. 1 above).

Regarding claims 3, 17, Sheynblat discloses assistance data is transmitted to said terminal via cellular communication network (see FIG. 1 above).

Regarding claims 4, 18, Sheynblat discloses approximate position represent the cell in which the terminal is situated when it requests said assistance data. A cellular device can only communicate and receive assistance data via BTS with its associated cell. No communication can be established between a terminal and a non-serving cell.

Regarding claim 42, Sheynblat discloses satellite signal is used, it inherently means L band signals (L1/L2) is used (paragraph 0005 & 0007).

Regarding claim 43, Sheynblat discloses (paragraph 0005 & 0007) W-CDMA technique is considered.

Regarding claims 46-47, Sheynblat discloses GPS system (paragraph 0005) which is RNSS type networks.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 15-18, 42-43, 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheynblat (2005/0192024).

Regarding claims 1, 15, even if Sheynblat does not inherently disclose Doppler effect information from server. It would have been obvious that location server is designed to help terminal in fast acquisition of satellite by providing in view satellites and ephemeris data.

Regarding claims 2, 16, Sheynblat discloses assistance server (location server) is connected to said terminal via cellular communication network through BTS (base station) (see FIG. 1 above).

Regarding claims 3, 17, Sheynblat discloses assistance data is transmitted to said terminal via cellular communication network (see FIG. 1 above).

Regarding claims 4, 18, Sheynblat discloses approximate position represent the cell in which the terminal is situated when it requests said assistance data. A cellular device can only communicate and receive assistance data via BTS with its associated cell. No communication can be established between a terminal and a non-serving cell.

Regarding claim 42, Sheynblat discloses satellite signal is used, it inherently means L band signals (L1/L2) is used (paragraph 0005 & 0007).

Regarding claim 43, Sheynblat discloses (paragraph 0005 & 0007) W-CDMA technique is considered.

Regarding claims 46-47, Sheynblat discloses GPS system (paragraph 0005) which is RNSS type networks.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry Liu whose telephone number is 571-270-1338. The examiner can normally be reached on Monday -Thursday and every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2338.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Harry Liu  
Examiner  
Art Unit 3662  
November 3, 2007



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